

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ST. PAUL FIRE AND MARINE
INSURANCE COMPANY, a Minnesota
corporation,

Plaintiff,

VS.

GREAT NORTHWEST TRANSPORT,
INC., dba GREAT NORTHWEST
TRANSPORT & LOGISTICS, INC., an
Oregon corporation, et al.,

Defendants.

Case No. 03-1529-KI

ORDER

Jan D. Sokol
Stewart Sokol & Gray, LLC
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Portland, Oregon 97201-5047

Attorney for Plaintiff

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Attorneys for Defendants

KING, Judge:

This matter came before the court on St. Paul Fire and Marine Insurance Company's ("St. Paul") Motion for Order of Interpleader, requesting to interplead the bond proceeds of a Property Broker's Surety Bond, Bond No. 400SV0492, posted by St. Paul, as surety, and on behalf of Great Northwest Transport, Inc. (dba Great Northwest Transport & Logistics, Inc.) ("Great Northwest"), as principal, and requesting dismissal of St. Paul from the interpleader claim, discharge and exoneration of the bond, and an award of St. Paul's costs and attorneys' fees from the interplead proceeds.

Upon tender of the proceeds of the bond, St. Paul was dismissed with prejudice and awarded half of its requested attorneys' fees on March 17, 2004. St. Paul dismissed its claims against defendants Great Northwest and Douglas A. Stover on May 14, 2004. This court held a show cause hearing on March 9, 2005 but no defendant, other than Great Northwest, has made an appearance.

The court has discretion to award attorneys' fees and costs to be paid from the bond proceeds it interpleads. I have considered carefully whether to reduce funds available to

claimants, as claimants may have relied on the availability of a \$10,000 bond. I find it appropriate to pay the remaining balance of the requested fees and costs, and the supplemental request for attorneys' fees (#31), from the bond proceeds based on the interpleader claim. The clerk of the court is directed to disburse from the registry of the court \$1,886.75. The check shall be sent to plaintiff in care of Jan D. Sokol, Stewart Sokol & Gray, LLC, 2300 SW First Avenue, Suite 200, Portland, Oregon 97201.

IT IS SO ORDERED.

Dated this 6th day of April, 2005.

/s/ Garr M. King
Garr M. King
United States District Judge